

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

HENRY M. HANSBROUGH,)	
Institutional ID No. 1600652,)	
SID No. 7449669,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	5:11-CV-00090-C
J.T. MONTFORD RMF UNIT,)	
)	
Defendant.)	ECF

ORDER

Plaintiff Henry M. Hansbrough, acting *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against the Defendant J.T. Montford RMF Unit and was granted permission to proceed *in forma pauperis*.

The complaint was transferred to the docket of the United States Magistrate Judge, who ordered Plaintiff to answer a questionnaire and the Texas Department of Criminal Justice, Correctional Institutions Division to provide authenticated copies of Plaintiff's prison records that were relevant to his complaint. The records were filed on August 26, 2011, and Plaintiff filed his answers to the questionnaire on December 12, 2011.

Because Plaintiff did not consent to proceed before the United States Magistrate Judge, pursuant to this Court's Order entered on June 1, 2011, the Magistrate Judge (1) entered a Report and Recommendation finding that Plaintiff's complaint should be dismissed in its entirety pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A, and (2) transferred the case back to this Court on May 14, 2012. Plaintiff did not file objections to the Report and Recommendation because his copies of the

Report and Recommendation were returned to the Clerk on June 25, 2012, in an envelope marked “Not at this address” and “Return to Sender. Attempted-Not Known. Unable to Forward.”

As of this date, Plaintiff has failed to provide the Court with his current address per the instructions in the Pro Se Litigant Instructions mailed to Plaintiff on May 10, 2011, and the Order granting Plaintiff permission to proceed *in forma pauperis* mailed to him on June 1, 2011.

The undersigned United States District Judge has made an independent examination of the records and pleadings in this case and has examined the findings, conclusions, and recommendation of the Magistrate Judge. Based upon this Court’s independent examination of Plaintiff’s complaint, Plaintiff’s answers to the questionnaire, and the authenticated prison records, the Court finds that the Magistrate Judge’s findings and conclusions should be ADOPTED.

It is, therefore, **ORDERED**:

(1) The instant civil rights complaint and all claims alleged therein are DISMISSED with prejudice.

(2) Any pending motions are DENIED.

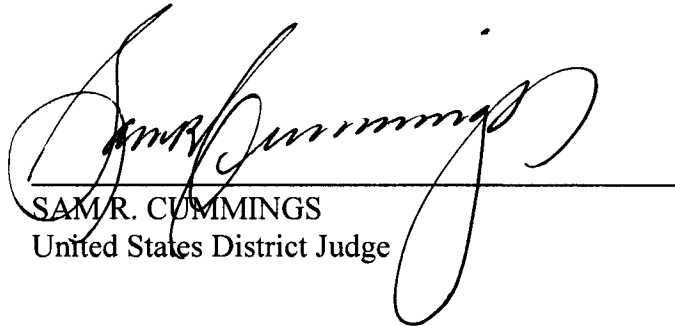
(3) The dismissal of Plaintiff’s complaint does not release Plaintiff or the institution where he is incarcerated from the obligation to pay any filing fee previously imposed. *See* 28 U.S.C. § 1915(b)(1) (“Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner **shall be required to pay the full amount of a filing fee.**”) (emphasis added); *Hatchet v. Nettles*, 201 F.3d 651, 654 (5th Cir. 2000) (“No relief from an order directing payment of the filing fee should be granted for a voluntary dismissal.”).

(4) Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$455.00 pursuant to the PLRA, and he must submit an application to proceed *in forma*

pauperis and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

Judgment shall be entered accordingly.

Dated July 20, 2012.



SAM R. CUMMINGS
United States District Judge